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April 27, 2017

VIA ECF

The Honorable Sarah Netburn
Thurgood Marshall United States Courthouse
40 Foley Square, Room 430
New York, NY 10007

RE: *In Re: Terrorist Attacks on September 11, 2001*, 03 MDL 1570 (GBD) (SN)

Dear Judge Netburn:

I write in response to the letter motion for sanctions filed by WAMY counsel Omar T. Mohammedi and Frederick Goetz on April 24, 2017. That letter falsely accuses me of releasing confidential information to a reporter who wrote an article in Politico magazine.

At no time did I or anyone working for my office provide any confidential information to the author of the article or any other member of the media.

The letter motion fails to set forth the content or nature of the confidential information that was allegedly disclosed.

The Politico article does not contain any confidential information. The portion of the article cited by WAMY addresses the FBI's disclosure that phone calls were made in the year 2000 by Omar Bayoumi, an employee of Saudi Arabia in California to two numbers at the Saudi Embassy in Washington, D.C. The calls were made during the time that the FBI found that Bayoumi was providing assistance to the first two 9/11 hijackers to arrive in the United States. The FBI reports regarding those calls are public. (Ex. 1). The article identifies one of the Embassy phone numbers repeatedly called by Bayoumi as that of Khalid Sowailem, a senior Saudi diplomat working in the Embassy's office of Islamic Affairs.

Mr. Sowailem's identity and occupation for Saudi Arabia is set forth in public Department of State documents. (Ex. 2). Likewise, the address and phone number of his office at the Saudi Embassy is public information listed on the Embassy's website. (Ex. 3).

WAMY's motion cites WAMY SA 3822, a piece of correspondence in Arabic under the letterhead of the Saudi Embassy in Washington D.C. and signed by Mr. Sowailem. The substance of Mr. Sowailem's correspondence is not addressed in the Politico article.

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Finally, it appears that WAMY improperly designated WAMY SA 3822 as confidential. Magistrate Judge Maas previously warned all parties in an April 9, 2015 order that:

[B]oth sides review their confidentiality designations in advance of the conference. If I conclude that documents have been designated as confidential without justification, it is likely that I will impose sanctions not only on the party that acted improperly, but on its counsel as well.

Docket 2946 filed 4/9/15. As a result, WAMY withdrew its confidentiality designation on over 11,000 pages of documents. We are not aware of any reason why WAMY SA 3822 should be deemed confidential, and certainly not the boilerplate letterhead with the public phone number of the Saudi Embassy. In any event, the confidentiality of that document was not breached.

Accordingly, the request for sanctions should be denied in its entirety.

Respectfully submitted,

By: /s/ James P. Kreindler
James P. Kreindler (JK7084)